

Exhibit D

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

MICHAEL KARNUTH, on behalf of himself and all others similarly situated,)	
)	
Plaintiff,)	No. 03-742
)	
v.)	
)	
RODALE, INC.,)	Honorable Judge Diamond
)	
Defendant.)	

**AMENDED NOTICE OF SUBSTITUTION OF
DAVID WISNIEWSKI AS PUTATIVE CLASS REPRESENTATIVE**

1. In its Order of March 30, 2005, on Plaintiff's Motion for Class Certification, the Court directed that "[a] new class representative shall be substituted within 14 days of this Order."

2. Pursuant to the Court's Order, Plaintiff hereby substitutes David Wisniewski of Chicago, Illinois, as a substituted plaintiff and putative class representative in place of Michael Karnuth. Mr. Wisniewski has read substituted Plaintiff Michael Karnuth's amended complaint and asserts the same claims as set forth therein.

3. Mr. Wisniewski's claims are typical of those of the class he seeks to represent.

4. Sometime on or around the end of 2000 or early 2001, Mr. Wisniewski received a solicitation from Rodale to preview "Sex: A Man's Guide." Mr. Wisniewski read Plaintiff Michael Karnuth's amended complaint and to the best of his recollection his Order Card was materially similar to Karnuth's year 2000 Order Card for "Sex, A Man's Guide." Rodale's solicitation also offered an accompanying pamphlet entitled

"Sexercise for Men." Mr. Wisniewski returned the order card and thereafter received and paid for the book and pamphlet with check no. 1761 for \$40.21 on or around May 20, 2001.

5. The next year, on or around the end of 2001, Wisniewski unexpectedly received another book, which he believes was "Report 2001: A Man's Guide to Women," and a bill for payment of such if he did not return it in a set period of time. Wisniewski did not want this second book, and was unaware of why Rodale was sending it to him. However, Mr. Wisniewski failed to return the book within the set period of time, and therefore he paid for the book with check no. 894 for \$29.97 on January 23, 2002.

6. The next year, likely sometime in the second half of 2003, Wisniewski unexpectedly received another book, which he believes was "Report 2002: A Man's Guide to Women," and a bill for payment of such if he did not return it in a set period of time. Wisniewski did not want this third book, and was unaware of why Rodale was sending it to him, and thus he returned it. However, he returned it after the "trial period" and Rodale still sought payment for it. He ignored several follow up letters seeking payment, believing he was not obligated to pay for an unsolicited book which he had returned, but finally, to stop Rodale from harassing him for payment, paid Rodale \$31.77 on March 8, 2004 with check no. 1321.

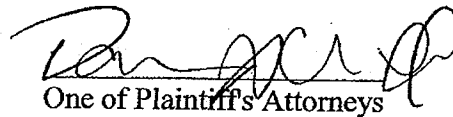
7. The following year, sometime in 2004, Rodale sought to send Mr. Wisniewski yet another book. However, this time Mr. Wisniewski timely caught Rodale's prenotification negative option card, which Mr. Wisniewski believes he timely returned rejecting the book before it was sent to him.

8. Mr. Wisniewski will adequately and fairly represent the interests of the putative class. He has no conflicts with members of the putative class, he is familiar with the case and the amended complaint, and he will vigorously prosecute this litigation.

9. In its Memorandum Opinion of March 30, 2005, the Court stated that "[U]pon substitution of a new class representative, counsel may renew the certification motion. I will at that time consider the remaining arguments Defendant raises against certification." Mem. of March 30, 2005 at 7. Accordingly, plaintiff respectfully requests that the Motion for Class Certification be renewed and considered, along with supporting briefs and oral argument, by this Court.

April 29, 2005

Respectfully submitted,


One of Plaintiff's Attorneys

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